

**DRAFT**

**2-26-10**

## **ARTICLE 1. FEES**

### **Section**

R12-15-101. Definitions

R12-15-102. Application Fees

R12-15-103. Applications Subject to Hourly Fees; Amount of Fee; Initial Fees; Billing and Payment; Request for Reconsideration of Fees

R12-15-104. Applications and Filings Subject to Fixed Fees; Fixed Fee Schedule; Review-Related Costs; Costs for Legal Notices

R12-15-105. Fee for Request for Extension of Time to Submit Information for an Application

R12-15-106. Fee for Dam Safety Inspection

~~R12-15-151. Fee Schedule~~

### **R12-15-101. Definitions**

In addition to the definitions in A.R.S. §§ 45-101, 45-271, 45-401, 45-511, 45-561, 45-802.01, 45-1001, 45-1201 and A.A.C. R12-15-701, the following terms apply to this Article:

1. “Application” means a written request submitted by an applicant to the Department for the purpose of obtaining a permit, license or other legal authorization issued by the Department.
2. “Review hours” means the hours or portions of hours spent by Department employees in reviewing an application and making a decision thereon, including pre-application consultation time in excess of 60 minutes.
3. “Review-related costs” means the following costs incurred by the Department in reviewing an application:
  - a. Costs associated with a pre-decision administrative hearing on the application, or any objection to an application, including:
    - i. Court reporter services;
    - ii. Facility rentals for the hearing; and
  - b. Mileage expenses for site visits conducted before issuing a permit, license or approval.

**R12-15-102. Application Filing Fees**

- A.** A person filing an application with the Department after the effective date of this section shall pay an hourly rate application fee as provided in A.A.C. R12-15-103 or a fixed application fee as provided in A.A.C. R12-15-104, whichever applies. Fees for applications shall be paid in U.S. dollar by cash, check, cashier's check, money order, or any other method acceptable to the Department.
- B.** A person with an application pending before the Department on the effective date of this section shall pay the application fees and costs in effect when the application was filed.

**R12-15-103. Applications Subject to Hourly Fee; Amount of Fee; Initial Fee; Billing and Payment; Request for Reconsideration of Fee**

- A.** The Department shall calculate the fee for an application listed in subsection (B) of this Section by multiplying the number of review hours for the application by an hourly rate of \$118, adjusted annually as provided in this subsection, not to exceed the maximum fee for the application specified in subsection (B) of this section, plus any applicable review-related costs and the actual cost of mailing or publishing any legal notice of the application. The Department shall adjust the hourly rate every July 1, to the nearest 10 cents per hour by multiplying \$118 by the Consumer Price Index for the most recent year, and then dividing by the Consumer Price Index for the year 2009. The Consumer Price Index for any year is the average of the Consumer Price Index for all-urban consumers published by the United States Department of Labor for the 12-month period ending on December 31 of that year. The Department shall post the change to the hourly rate on its web site. The

**DRAFT**  
**2-26-10**

Department shall not charge an applicant for the first 60 minutes of Department pre-application consultation time costs. The Department shall not charge an applicant an hourly fee for travel time.

**B.** A person submitting an application listed below shall pay an hourly fee for the application, not to exceed the maximum fee shown for the application:

1. Wells:

<u><b>Type of Application</b></u>	<u><b>Maximum fee</b></u>
<u>Variance from the well construction requirements</u>	<u>\$10,000.00</u>

2. Groundwater:

<u><b>Type of Application</b></u>	<u><b>Maximum fee</b></u>
<u>a. Issuance, renewal or modification of groundwater withdrawal permit, other than a general industrial use permit</u>	<u>\$10,000.00</u>
<u>b. Issuance, renewal or modification of a general industrial use permit</u>	<u>\$80,000.00</u>
<u>c. Issuance of notice of authority to irrigate in an irrigation non-expansion area</u>	<u>\$10,000.00</u>
<u>d. Restoration of retired irrigation grandfathered right pursuant to A.R.S. § 45-469(O)</u>	<u>\$10,000.00</u>
<u>e. Approval of contract by a city, town or private water company to supply groundwater to another city, town</u>	<u>\$10,000.00</u>

<u>or private water company pursuant to A.R.S. § 45-492(C)</u>	
<u>f. Notice of intent to establish new service area right by a city, town or private water company</u>	<u>\$10,000.00</u>
<u>g. Final petition to establish new service area right by a city, town or private water company</u>	<u>\$10,000.00</u>
<u>h. Extension of the service area of a city, town or private water company to furnish disproportionately large amounts of water to an industrial or other large water user pursuant to A.R.S. § 45-493(A)(2)</u>	<u>\$10,000.00</u>
<u>i. Addition and exclusion of area by an irrigation district pursuant to A.R.S. § 45-494.01</u>	<u>\$10,000.00</u>
<u>j. Delivery of groundwater by an irrigation district to an industrial user with a general industrial user permit pursuant to A.R.S. § 45-497(B)</u>	<u>\$10,000.00</u>
<u>k. Determination of historically irrigated acres or annual transportation allotment for lands in McMullen valley groundwater basin pursuant to A.R.S. § 45-552</u>	<u>\$80,000.00</u>
<u>l. Determination of volume of groundwater that can be transported from lands in Harquahala irrigation non-expansion area to an initial active management area pursuant to A.R.S. § 45-554</u>	<u>\$80,000.00</u>
<u>m. Determination of historically irrigated acres or annual</u>	<u>\$80,000.00</u>

<u>transportation allotment for lands in the Big Chino</u>  <u>sub-basin of the Verde River groundwater basin</u>  <u>pursuant to A.R.S. § 45-555</u>	
---	--

3. Grandfathered Rights:

<u>Type of Application</u>	<u>Maximum fee</u>
<u>a. Type 1 non-irrigation grandfathered right for land</u>  <u>retired from irrigation after date of designation of</u>  <u>active management area pursuant to A.R.S. § 45-469</u>  <u>or 45-472</u>	<u>\$10,000.00</u>
<u>b. Revised certificate of type 2 non-irrigation</u>  <u>grandfathered right to reflect new or additional points</u>  <u>of withdrawal that includes a well drilled after June</u>  <u>12, 1980</u>	<u>\$10,000.00</u>

4. Substitution of Acres:

<u>Type of Application</u>	<u>Maximum fee</u>
<u>a. Substitution of flood damaged acres in an active</u>  <u>management area or an irrigation non-expansion area</u>	<u>\$10,000.00</u>
<u>b. Substitution of acres to eliminate limiting condition</u>  <u>impeding efficient irrigation in an active management</u>  <u>area or an irrigation non-expansion area</u>	<u>\$10,000.00</u>
<u>c. Substitution of acres to allow irrigation with central</u>	<u>\$10,000.00</u>

<u>Arizona project water in an active management area</u>	
---	--

5. Lakes:

<u><b>Type of Application</b></u>	<u><b>Maximum fee</b></u>
a. <u>Permit to fill body of water with poor quality water</u> <u>pursuant to A.R.S. § 45-132(C)</u>	<u>\$10,000.00</u>
b. <u>Permit for interim water use in a body of water</u>	<u>\$10,000.00</u>
c. <u>Temporary emergency permit for use of surface water</u> <u>or groundwater in a body of water</u>	<u>\$10,000.00</u>

6. Water Exchange:

<u><b>Type of Application</b></u>	<u><b>Maximum fee</b></u>
a. <u>Issuance, renewal or modification of water exchange</u> <u>permit</u>	<u>\$10,000.00</u>
b. <u>Notice of water exchange for which approval is</u> <u>required pursuant to A.R.S. § 45-1052(6)(b)</u>	<u>\$10,000.00</u>

7. Water Exportation:

<u><b>Type of Application</b></u>	<u><b>Maximum fee</b></u>
<u>Permit to transport water out of state</u>	<u>\$80,000.00</u>

8. Underground Water Storage, Savings and Replenishment:

<u><b>Type of Application</b></u>	<u><b>Maximum fee</b></u>

a. <u>Issuance, renewal or modification of an underground storage facility permit</u>	<u>\$80,000.00</u>
b. <u>Issuance, renewal or modification of a groundwater savings facility permit</u>	<u>\$80,000.00</u>
c. <u>Issuance, renewal or modification of a water storage permit</u>	<u>\$80,000.00</u>
d. <u>Recovery well permit, including an emergency temporary recovery well permit</u>	<u>\$80,000.00</u>

9. Assured and Adequate Water Supply:

<b><u>Type of Application</u></b>	<b><u>Maximum fee</u></b>
a. <u>Physical availability determination</u>	<u>\$80,000.00</u>
b. <u>Analysis of assured or adequate water supply</u>	<u>\$80,000.00</u>
c. <u>Renewal of analysis of assured or adequate water supply</u>	<u>\$10,000.00</u>
d. <u>Certificate of assured water supply (within an active management area)</u>	<u>\$80,000.00</u>
e. <u>Issuance or modification of designation of assured or adequate water supply</u>	<u>\$80,000.00</u>
f. <u>Water report (outside an active management area)</u>	<u>\$80,000.00</u>
g. <u>Assignment of type A certificate of assured water supply</u>	<u>\$10,000.00</u>

**DRAFT****2-26-10**

h. <u>Assignment of type B certificate of assured water supply</u>	<u>\$10,000.00</u>
i. <u>Classification of type A certificate of assured water supply pursuant to R12-15-707</u>	<u>\$10,000.00</u>
j. <u>Review of revised plat to determine whether changes are material</u>	<u>\$10,000.00</u>
k. <u>New certificate of assured water supply pursuant to R12-15-704(G)</u>	<u>\$10,000.00</u>
l. <u>Letter stating that owner is not required to obtain a certificate of assured water supply pursuant to R12-15-704(M)</u>	<u>\$10,000.00</u>

10. Surface Water:

<b><u>Type of Application</u></b>	<b><u>Maximum fee</u></b>
a. <u>Permit to appropriate public water</u>	<u>\$80,000.00</u>
b. <u>Certificate of water right</u>	<u>\$10,000.00</u>
c. <u>Reservoir permit or secondary permit</u>	<u>\$80,000.00</u>
d. <u>Change in use of water</u>	<u>\$80,000.00</u>
e. <u>Severance and transfer of water right</u>	<u>\$80,000.00</u>
f. <u>Assignment of application, permit, certificate or statement of claim</u>	<u>\$10,000.00</u>
g. <u>Request for extension of time to complete construction</u>	<u>\$10,000.00</u>
h. <u>Certification of water right for a stockpond</u>	<u>\$10,000.00</u>



- C. A person filing an application that is subject to an hourly fee shall submit a \$2,000.00 initial fee at the time the application is submitted to the Department. If requested by the applicant, the Department may set a lower initial fee if the Department estimates that the total application fee will be less than \$2,000.00. The Department shall not accept an application for which an initial fee is required under this subsection unless the initial fee is included with the application.
- D. The Department shall bill the applicant for processing the application no more than monthly, but at least quarterly. Each bill shall contain the following information for the billing period:
1. The number of hours of the review, excluding hours for travel and the first 60 minutes of pre-application consultation time, accrued by employee position type by activity and subactivity code during the billing period, the date of each activity, a description of each activity and the effective hourly rate for all activities;
  2. A description and amount of each review-related cost incurred for the application;
  3. A description and amount of the cost of mailing or publishing any legal notice of the application; and
  4. The total fees paid to date, the total fees due for the billing period, the date when the fees are payable, which shall not be less than 35 days after the date of the bill, and the maximum fee for the application.

E. A bill for hourly fees becomes past due if the applicant does not pay the bill in full by the due date specified in the bill, unless the applicant submits a timely request for reconsideration of the bill pursuant to subsection (G) of this section. If the applicant submits a timely request for reconsideration of the bill, the bill becomes past due if the applicant does not pay the bill in full by the date specified in the Director's decision on the request, which shall not be less than 35 days after the date of the decision. If a bill for hourly fees becomes past due, the following shall apply:

1. The Department shall suspend its review of the application and send a written notice to the applicant that the bill is past due. If the applicant does not pay the outstanding bill by the date specified in the notice, which shall not be less than 35 days from the date of the notice, the application shall be denied.
2. The applicable review time frame shall be suspended from the date the bill became past due until the applicant pays the bill in full within the time provided in subsection (E)(1) of this section.

F. After the Department makes a determination whether to grant or deny the application, or when an applicant withdraws the application, the Department shall prepare and send to the applicant a final itemized billing statement for the application fee.

1. If the total fee exceeds the amount of the initial fee plus all other payments made to date, the applicant shall pay the balance, up to the maximum fee for the application plus any applicable review-related costs and the actual cost of mailing or publishing any legal notice of the application, by the date specified in

the statement, which shall not be less than 35 days after the date of the statement. The Department shall not release the final permit or approval until the balance is paid in full.

2. If the total fee is less than the initial fee plus all other payments made to date, the Department shall refund the difference to the applicant within 35 days of the date of the statement.

**G.** An applicant may seek reconsideration of a bill for hourly fees by filing a written request for reconsideration with the Director. The request shall specify, in detail, why the bill is in dispute and shall include any supporting documentation. The written request for reconsideration shall be delivered to the Director in person, by mail, or by facsimile on or before the payment due date. The Director shall make a final decision on the request for reconsideration of the bill and mail a final written decision to the person within 20 business days after the date the Director receives the written request.

**R12-15-104. Applications and Filings Subject to Fixed Fees; Fixed Fee Schedule; Review-Related Costs; Costs for Legal Notices**

**A.** The Department shall accept and take action on the following applications and filings only if the fee shown for the application or filing is paid at the time the application or filing is submitted:

1. Wells:

<u>Type of Application</u>	<u>Fee</u>
----------------------------	------------

**DRAFT****2-26-10**

a. <u>Late registration of well</u>	<u>\$120.00</u>
b. <u>Well driller's license</u>	<u>\$50.00</u>
c. <u>Re-issuance or renewal of well driller's license</u>	<u>\$50.00</u>
d. <u>Re-activation of expired well driller's license</u>	<u>\$50.00</u>
e. <u>Well assignment</u>	<u>\$120.00 per well</u>
f. <u>Well capping</u>	<u>\$300.00</u>
g. <u>Notice of intention to abandon a well</u>	<u>\$150.00</u>
h. <u>Notice of intention to drill a well other than a well described in subsection (A)(2)(b) of this Section</u>	<u>\$150.00</u>
i. <u>Notice of intention to drill a well that will not be located in an active management area or irrigation non- expansion area, that will be used solely for domestic purposes and that will have a pump with a maximum capacity of not more than 35 gallons per minute</u>	<u>\$100.00</u>
j. <u>Re-issuance of drill card</u>	<u>\$120.00</u>
k. <u>Permit to drill non-exempt well in an active management area</u>	<u>\$150.00</u>

**2. Groundwater:**

<b><u>Type of Application</u></b>	<b><u>Fee</u></b>
-----------------------------------	-------------------

a. <u>Conveyance of farm's flexibility account balance</u>	<u>\$250.00</u>
b. <u>Conveyance of notice of authority to irrigate in an irrigation non-expansion area</u>	<u>\$500.00</u>
c. <u>Conveyance of groundwater withdrawal permit</u>	<u>\$500.00</u>

3. Grandfathered rights:

<b><u>Type of Application</u></b>	<b><u>Fee</u></b>
a. <u>Late application for certificate of grandfathered right</u>	<u>\$100.00</u>
b. <u>Conveyance of certificate of grandfathered right</u>	<u>\$500.00</u>
c. <u>Revised certificate of type 2 non-irrigation grandfathered right to reflect new or additional points of withdrawal that do not include a well drilled after June 12, 1980</u>	<u>\$250.00</u>
d. <u>Approval of development plan to retire irrigation grandfathered right for a type 1 non-irrigation grandfathered right</u>	<u>\$500.00</u>

4. Underground Water Storage, Savings and Replenishment:

<b><u>Type of Application</u></b>	<b><u>Fee</u></b>
a. <u>Conveyance of storage facility permit</u>	<u>\$500.00</u>

b. <u>Conveyance of water storage permit</u>	<u>\$500.00</u>
c. <u>Assignment of long-term storage credits</u>	<u>\$250.00</u>

5. Assured and adequate water supply:

<b><u>Type of Application</u></b>	<b><u>Fee</u></b>
a. <u>Extinguishment of grandfathered right for extinguishment credits</u>	<u>\$250.00</u>
b. <u>Conveyance of extinguishment credits</u>	<u>\$250.00</u>

6. Surface Water:

<b><u>Type of Application or filing</u></b>	<b><u>Fee</u></b>
a. <u>Re-issuance of surface water right or certificate</u>	<u>\$120.00</u>
b. <u>Claim of water right for a stockpond</u>	<u>\$10.00</u>
c. <u>Statement of claim for a water right</u>	<u>\$5.00</u>

7. Dams:

<b><u>Type of Application</u></b>	<b><u>Fee</u></b>
<u>Approval of plans for construction, enlargement, repair, alteration or removal of dam</u>	<u>2 percent of estimated cost of dam</u>

8. Water Exchange:

<u><b>Type of Application</b></u>	<u><b>Fee</b></u>
<u>Notice of water exchange that does not require approval pursuant to A.R.S. § 45-1052(6)(B)</u>	<u>\$500.00</u>

9. Weather Modification:

<u><b>Type of Application</b></u>	<u><b>Fee</b></u>
<u>a. License for weather control or cloud modification</u>	<u>\$100.00</u>
<u>b. Equipment license for weather control or cloud modification</u>	<u>\$10.00</u>

**B.** In addition to the application or filing fee listed in subsection (A) of this Section, an applicant shall pay any applicable review-related costs and the actual cost of mailing or publishing any legal notice of the application.

**R12-15-105. Fee for Request for Extension of Time to Submit Information for an Application**

An applicant who requests an extension of the time to submit information in response to a written notification of deficiencies within the administrative completeness time frame or a written request for additional information within the substantive review time frame shall include with the request a fee of \$250.00. A request for an extension of time shall not be considered to have been filed unless the fee is paid in full.

**R12-15-106. Fees for Dam Safety Inspections**

**A.** The owner of a dam shall pay a fee for the Department's dam safety inspection pursuant to A.A.C. R12-15-1219(A). The fee shall be based on the total crest length of the dam plus appurtenant embankments and saddle dikes, as follows:

<u>Length (feet)</u>	<u>Fee</u>
<u>0 – 500</u>	<u>\$2,000.00</u>
<u>501 – 1,000</u>	<u>\$2,200.00</u>
<u>1,001 – 2,000</u>	<u>\$2,400.00</u>
<u>2,001 – 4,000</u>	<u>\$2,600.00</u>
<u>4,001 – 8,000</u>	<u>\$3,000.00</u>
<u>8,001 – 16,000</u>	<u>\$3,400.00</u>
<u>16,001 – 32,000</u>	<u>\$3,800.00</u>
<u>More than 32,001</u>	<u>\$4,200.00</u>

**B.** After conducting a dam safety inspection pursuant to A.A.C. R12-15-1219(A), the director shall send to the dam owner a bill for the fee required by subsection (A) of this section. The dam owner shall pay the fee by the date specified in the bill, which shall not be less than 35 days from the date of the bill. Failure by a dam owner to pay a fee required by subsection (A) of this section shall be considered a violation of A.A.C. R12-15-1219.



**DRAFT**

**2-26-10**

C. The owner of a dam who submits a dam safety inspection report pursuant to R12-15-1219(E) shall pay a fee of \$750.00. The Department shall not accept a dam safety inspection report unless the fee is submitted with the report.

**~~R12-15-151. Fee Schedule~~**

~~A. The Department shall only accept or take action on an application or filing upon payment of the appropriate fee as listed below. Payment may be made by cash, check, or by entry in an existing Department fee credit account established pursuant to R12-15-152.~~

~~B. The following fees shall be paid:~~

1. ~~SURFACE WATER~~ ~~\_\_\_\_\_ FEE (\$)~~
  - a. ~~Application for permit to appropriate~~
    - i. ~~Less than 50 acre feet..... 50.00~~
    - ii. ~~50 acre feet or more ..... 75.00~~
  - b. ~~Permit to appropriate~~
    - i. ~~Less than 50 acre feet..... 25.00~~
    - ii. ~~50 acre feet or more ..... 50.00~~
  - c. ~~Claim of water right for a stockpond and  
\_\_\_\_\_ application for certification..... 10.00~~
  - d. ~~Certificate of water right for stockpond 30.00~~
  - e. ~~Issue certificate of water right (except  
\_\_\_\_\_ stockpond)..... 50.00~~
  - f. ~~Application for severance and transfer of  
\_\_\_\_\_ water right..... 500.00~~

**DRAFT**

**2-26-10**

~~g. Application to transport water out of state 500.00~~

~~h. Assignment~~

~~i. Assignment of application for permit to~~

~~— appropriate, statement of claim, or claim~~

~~— of water right for a stockpond ..... 10.00~~

~~ii. Assignment and reissuance of permit to~~

~~— appropriate ..... 20.00~~

~~iii. Assignment and reissuance of certificate~~

~~— of water right (except stockpond) 35.00~~

~~iv. Assignment and reissuance of certificate~~

~~— of water right for a stockpond 20.00~~

~~2. GROUNDWATER~~

~~a. Application for groundwater withdrawal~~

~~— permit, modifications and renewals (except~~

~~— applications for hydrologic testing and~~

~~— temporary dewatering permits). 150.00~~

~~b. Application for permit for hydrologic~~

~~— testing and temporary dewatering,~~

~~— modifications, and renewals ..... 50.00~~

~~c. Groundwater withdrawal permit. 50.00~~

~~d. Convey groundwater withdrawal permit~~

~~— (except for permits for temporary electrical~~

~~— energy generation, temporary dewatering,~~

**DRAFT**

**2-26-10**

- ~~—hydrologic testing, and groundwater~~
- ~~—replenishment district withdrawals)35.00~~
- ~~e. Application for notice of authority to irrigate~~
- ~~—in an irrigation nonexpansion area50.00~~
- ~~f. Convey or reissue notice of authority to~~
- ~~—irrigate in an irrigation nonexpansion area——35.00~~

**3. WATER EXCHANGES**

- ~~a. Statement of water exchange contract 100.00~~
- ~~b. Application for water exchange permit 150.00~~
- ~~c. Water exchange permit ..... 100.00~~
- ~~d. Renew or modify water exchange permit 100.00~~
- ~~e. Notice of water exchange..... 150.00~~

**4. WELLS**

- ~~a. Reissue drilling card ..... 10.00~~
- ~~b. Permit to drill new or replacement well 30.00~~
- ~~c. Registration of exempt well.No charge~~
- ~~d. Registration of nonexempt well .. 10.00~~
- ~~e. Late registration of any well (post 7/16/82)——10.00~~
- ~~f. Well assignments (single or group of wells~~
- ~~—by same owner)..... 10.00~~
- ~~g. Well driller's licenses (except single well~~
- ~~—license) ..... 50.00~~
- ~~h. Reissue or renew unexpired well driller's~~

**DRAFT**

**2-26-10**

- ~~— license ..... 10.00~~
- ~~i. Reactivate expired well driller's license 20.00~~
- ~~j. Single well license ..... No charge~~
- ~~k. Well capping ..... 300.00 minimum plus actual~~  
~~— expenses over 300.00~~

**5. GRANDFATHERED RIGHTS**

- ~~a. Application for certificate of~~  
~~— grandfathered right ..... 75.00~~
- ~~b. Late application for certificate of~~  
~~— grandfathered right ..... 100.00~~
- ~~a. Convey or reissue certificate of~~  
~~— grandfathered right ..... \$35.00~~
- ~~d. Application for type 1 nonirrigation~~  
~~— grandfathered right associated with retired~~  
~~— irrigation 1 and ..... 50.00~~
- ~~e. Application to retire an irrigation~~  
~~— grandfathered right from irrigation to~~  
~~— nonirrigation ..... 100.00~~
- ~~f. Application for restoration of retired~~  
~~— irrigation grandfathered right ..... 50.00~~
- ~~b. Purchase of flexibility account credit~~  
~~— balance ..... 100.00~~

**6. SUBSTITUTION OF ACRES**

**DRAFT**  
**2-26-10**

- a. ~~Application to substitute irregularly shaped~~  
~~acres in an irrigation nonexpansion area or~~  
~~an active management area ..... 50.00~~
- b. ~~Application to substitute flood-damaged~~  
~~acres in an irrigation nonexpansion area or~~  
~~an active management area ..... 100.00~~
- c. ~~Application to substitute CAP acres in an~~  
~~irrigation nonexpansion area ..... 50.00~~
- d. ~~Application to substitute, or to reverse~~  
~~substitution of, CAP acres in an active~~  
~~management area ..... 100.00~~

~~7. ADEQUATE AND ASSURED WATER SUPPLY~~

~~Applications, certificates, licenses, reports, and~~  
~~permits relating to assured and adequate water supply~~

~~. . . The applicable fee prescribed in Article 7 of this Chapter.~~

~~8. UNDERWATER WATER STORAGE SAVINGS AND REPLENISHMENT~~  
~~PROGRAM~~

- a. ~~Application for underground storage~~  
~~facility permit ..... 750.00~~
- b. ~~Underground storage facility permit 500.00~~
- c. ~~Convey underground storage facility permit — 300.00~~
- d. ~~Application for groundwater savings~~  
~~facility permit ..... 500.00~~

**DRAFT**

**2-26-10**

- e. ~~Groundwater savings facility permit~~ 350.00
- f. ~~Convey groundwater savings facility~~  
~~permit~~ ..... 300.00
- g. ~~Application for water storage permit~~ 250.00
- h. ~~Water storage permit~~ ..... 100.00
- i. ~~Convey water storage permit~~ .... 300.00
- j. ~~Application for recovery well permit~~
  - i. ~~First 10 wells~~ ..... 50/well
  - ii. ~~Over 10 wells~~ ..... 10/well
- k. ~~Recovery well permit~~
  - i. ~~First 10 wells~~ ..... 50/well
  - ii. ~~Over 10 wells~~ ..... 10/well

**9. ~~CERTIFICATES OF GROUNDWATER OVERSUPPLY~~**

- a. ~~Application for certificate of~~  
~~groundwater oversupply~~ ..... 150.00
- b. ~~Certificate of groundwater oversupply~~ 50.00

**10. LAKES**

- a. ~~Application for permit to fill or refill a body of water~~
  - i. ~~Poor quality groundwater~~ ... 150.00
  - ii. ~~Interim~~ ..... 50.00
- b. ~~Permit to fill or refill a body of water~~
  - i. ~~Poor quality groundwater~~ ..... 75.00
  - ii. ~~Interim~~ ..... 30.00

**DRAFT**

**2-26-10**

~~e. Application for determination of substantial~~

~~capital investment to fill or refill a body of~~

~~water.....50.00~~

~~d. Application and permit for temporary emergency use of water to fill a body of~~

~~water..... 50.00~~

~~11. SAFETY OF DAMS~~

~~a. Application for review .....No charge~~

~~b. Application filing fee review of plans and~~

~~studies based upon dam~~

~~i. First \$100,000 .....2.0%~~

~~ii. Next \$400,000 .....1.5%~~

~~iii. Next \$500,000 .....1.0%~~

~~iv. Remainder over \$1,000,000 .....5%~~

~~c. Safety Inspections:~~

~~i. Per inspection..... 100.00~~

~~ii. Plus, per foot of height..... 2.00~~

~~12. WEATHER MODIFICATION~~

~~a. Application for weather modification~~

~~license ..... 100.00~~

~~b. License to manufacture or sell weather~~

~~modification equipment ..... 10.00~~

~~13. COPIES~~

~~a. Photocopies .....25/page~~

**DRAFT**

**2-26-10**

~~b. Microfiche copies.....30/page~~

~~c. Computer reports:~~

~~i. First page of report.....15.00~~

~~ii. Additional page.....25 each~~

~~d. Certified copies .....2.75/page~~

~~C. In addition to the fees listed above, the applicant shall pay the Department the actual cost of mailing and/or publishing any legal notice required by statute.~~

**ARTICLE 7. ASSURED AND ADEQUATE WATER SUPPLY**

**Section**

R12-15-702. Physical Availability Determination

R12-15-703. Analysis of Assured Water Supply

R12-15-704. Certificate of Assured Water Supply

R12-15-705. Assignment of Type A Certificate of Assured Water Supply

R12-15-706. Assignment of Type B Certificate of Assured Water Supply

R12-15-707. Application for Classification of Type A Certificate

R12-15-708. Material Plat Change; Application for Review

R12-15-710. Designation of Assured Water Supply

R12-15-712. Analysis of Adequate Water Supply

R12-15-713. Water Report

R12-15-714. Designation of Adequate Water Supply

R12-15-730. Assured and Adequate Water Supply Fees

**R12-15-702. Physical Availability Determination**



**DRAFT**

**2-26-10**

A. A person may apply for a physical availability determination by submitting an application on a form prescribed by the Director with the initial fee required by ~~R12-15-730~~ R12-15-103(C), and providing the following information with the application:

1. No change.
2. No change.
3. No change.

B. No change.

C. No change.

D. No change.

E. No change.

F. No change.

**R12-15-703. Analysis of Assured Water Supply**

A. No change.

B. An applicant for an analysis shall submit an application on a form prescribed by the Director with the initial fee required by ~~R12-15-730~~ R12-15-103(C), and attach the following:

1. No change.
2. No change.

C. No change.

D. No change.

E. No change.

F. No change.

**DRAFT**

**2-26-10**

**G.** No change.

**H.** No change.

**I.** No change.

**J.** No change.

**R12-15-704. Certificate of Assured Water Supply**

**A.** No change.

**B.** An applicant for a certificate shall submit an application on a form prescribed by the

Director with the initial fee required by ~~R12-15-730~~ R12-15-103(C) and provide the following:

1. No change.

2. No change.

3. No change.

4. No change.

5. No change.

6. No change.

**C.** No change.

**D.** No change.

**E.** No change.

**F.** No change.

**G.** No change.

**H.** No change.

**I.** No change.

**DRAFT**

**2-26-10**

**J.** No change.

**K.** No change.

**L.** No change.

**M.** No change.

**R12-15-705. Assignment of Type A Certificate of Assured Water Supply**

**A.** The certificate holder of a Type A certificate and the assignee may apply for approval of an assignment of the Type A certificate within the time allowed by A.R.S. § 45-579(A). The assignee may file the application if there is no certificate holder. The application shall be submitted on a form prescribed by the Director with the initial fee required by ~~R12-15-730~~ R12-15-103(C), and the applicant shall provide the following:

1. No change.

2. No change.

3. No change.

4. No change.

**B.** No change.

**C.** No change

**D.** No change

**E.** No change

**F.** No change

**R12-15-706. Assignment of Type B Certificate of Assured Water Supply**

**DRAFT**

**2-26-10**

**A.** The certificate holder of a Type B certificate or a certificate issued before the effective date of this Section that has not been classified pursuant to R12-15-707 and the assignee may apply for approval of an assignment of the certificate to another person within the time allowed by A.R.S. § 45-579(A). The assignee may file the application if there is no certificate holder. The application shall be submitted on a form prescribed by the Director with the initial fee required by ~~R12-15-730~~ R12-15-103(C), and the applicant shall provide the following:

1. No change.
2. No change.
3. No change.
4. No change.
5. No change.
6. No change.
7. No change.
8. No change.
9. No change.

**B.** No change.

**C.** No change.

**D.** No change.

**E.** No change.

**F.** No change.

**G.** No change.

**R12-15-707. Application for Classification of a Type A Certificate**

- A. A holder of a Type B certificate or a certificate issued before the effective date of this Section may apply to the Director to classify the certificate as a Type A certificate by submitting an application on a form prescribed by the Director with the initial fee prescribed in ~~R12-15-730~~ R12-15-103(C) and attaching evidence that the certificate meets the requirements of R12-15-704(H)(1).
- B. No change.
- C. No change.

**R-12-15-708. Material Plat Change; Application for Review**

- A. No change.
- B. No change.
- C. No change.
- D. No change.
- E. A person may apply for a review of a revised plat to determine whether any changes to the plat are material as follows:
1. The applicant shall submit an application on a form prescribed by the Director with the initial fee required by ~~R12-15-730~~ R12-15-103(C) and shall attach the revised plat.
  2. No change.
  3. No change.

**R12-15-710. Designation of Assured Water Supply**

**DRAFT**

**2-26-10**

**A.** A municipal provider applying for a designation of assured water supply shall submit an application on a form prescribed by the Director with the initial fee required by

~~R12-15-730~~ R-12-103(C) and provide the following:

1. No change.
2. No change.
3. No change.
4. No change.
5. No change.
6. No change.

**B.** No change.

**C.** No change.

**D.** No change.

**E.** No change.

**F.** No change.

**R12-15-712. Analysis of Adequate Water Supply**

**A.** No change.

**B.** An applicant for an analysis shall submit an application on a form prescribed by the Director with the initial fee required by ~~R12-15-730~~ R12-15-103(C), and attach the following:

1. No change.
2. No change.
3. No change.

**DRAFT**

**2-26-10**

**C.** No change.

**D.** No change.

**E.** No change.

**F.** No change.

**G.** No change.

**H.** No change.

**I.** No change.

**J.** No change.

**R12-15-713. Water Report**

**A.** No change.

**B.** An applicant for a water report shall submit an application on a form prescribed by the Director with the initial fee required by ~~R12-15-730~~ R12-15-103(C) and provide the following:

1. No change.

2. No change.

3. No change.

4. No change.

5. No change.

6. No change.

**C.** No change.

**D.** No change.

**E.** No change.

**DRAFT**

**2-26-10**

**F.** No change.

**G.** No change.

**H.** No change.

**I.** No change.

**J.** No change.

**R12-15-714. Designation of Adequate Water Supply**

**A.** A municipal provider applying for a designation of adequate water supply shall submit

an application on a form prescribed by the Director with the initial fee required by

~~R12-15-730~~ R12-15-103(C) and the following:

1. No change.

2. No change.

3. No change.

4. No change.

5. No change.

6. No change.

**B.** A city or town, other than a municipal provider, that is applying for a designation

shall submit an application on a form prescribed by the Director with the initial fee

required in ~~R12-15-730~~ R12-15-103(C), and provide the following:

1. No change.

2. No change.

3. No change.

4. No change.



**DRAFT**

**2-26-10**

5. No change.

C. No change.

D. No change.

E. No change.

F. No change.

G. No change.

**~~R12-15-730. Assured and Adequate Water Supply Fees~~**

~~A. With respect to an application listed in subsection (B) of this Section, the Director shall accept or take action on the application only upon payment of the applicable fee as listed.~~

~~B. An applicant shall pay the following fees, as applicable:~~

<del>APPLICATION</del>	<del>FEE (\$)</del>
<del>1. Certificate</del>	<del>3000.00 for the first 20 lots; 3.00 for each additional lot; maximum 5000.00</del>
<del>2. Assignment of certificate issued after effective date of this Section</del>	<del>None</del>
<del>3. Reissuance of certificate issued after effective date of this Section, pursuant to R12-15-704(G)</del>	<del>None</del>
<del>4. Assignment of certificate issued before effective date of this Section, with or without request for</del>	<del>250.00 for the first 20 lots; 0.50 for each additional lot;</del>

**DRAFT****2-26-10**

classification as Type A certificate	maximum 1000.00
<del>5. Reissuance of certificate issued before effective date of this Section, pursuant to R12-15-704(G)</del>	<del>250.00 for the first 20 lots; 0.50 for each additional lot; maximum 1000.00</del>
<del>6. Classification as Type A, for certificate issued before the effective date of this Section (not included in assignment application)</del>	<del>250.00 for the first 20 lots; 0.50 for each additional lot; maximum 1000.00</del>
<del>7. Material plat change review</del>	<del>250.00</del>
<del>8. Designation or modification of designation that includes evaluation of physical, legal, and continuous availability or consistency with management goal</del>	<del>1000.00 for the first 1000 acre-feet; 0.50 for each additional acre foot; maximum 10,000.00</del>
<del>9. Modification of designation that does not include evaluation of physical, legal, and continuous availability or consistency with management goal</del>	<del>500.00</del>
<del>10. Water report</del>	<del>900.00 for the first 20 lots; 2.00 for each additional lot; maximum 2000.00</del>
<del>11. Analysis</del>	<del>7500.00</del>
<del>12. Physical availability determination</del>	<del>5000.00</del>

**ARTICLE 8. WELL CONSTRUCTION AND LICENSING OF WELL DRILLERS**

**Section**

R12-15-806. License Fee; Issuance and Term of Licenses; Renewal; Display of License

**R12-15-806. License Fee; Issuance and Term of Licenses; Renewal; Display of License**

- A. The fee for a well driller's license shall be fifty dollars. ~~No additional fee shall be charged for amendments to licenses pursuant to subsection (B).~~
- B. Upon submittal of the license fee and satisfactory completion of an examination, the Director shall issue the applicant a well drilling license. The license shall be numbered and shall state the specialized classifications of drilling activities for which the applicant is qualified and licensed. The applicant shall be licensed in only those classifications for which the qualifying party has passed the specialized sections of the examination. If the qualifying party subsequently passes other specialized sections, the applicant's license shall be amended upon submittal of a license fee of fifty dollars.
- C. No change.
- D. No change.
- E. A person may renew a well drilling license by submitting an application for renewal on forms prescribed and furnished by the Director. The renewal fee shall be ~~ten~~ fifty dollars. If the application and renewal fee are postmarked on or before June 30, the well drilling contractor may operate as a licensee until actual issuance of the renewal license. A license which has expired may be reactivated and renewed within one year of its expiration by filing the required application and a fee of 20

**DRAFT**

**2-26-10**

fifty dollars. If a license has been expired for one or more years for failure to renew, the well drilling contractor shall apply for a new license and repeat the examination.

**F.** No change.

**ARTICLE 12. DAM SAFETY PROCEUDRES**

**Section**

R12-15-1208. Significant Hazard Potential Dam

R12-15-1210. Application to Construct, Reconstruct, Repair, Enlarge, Alter, Breach, or Remove a Low Hazard Potential Dam

R12-15-1211. Application to Construct, Reconstruct, Repair, Enlarge, Alter, Breach, or Remove a Very Low Hazard Potential Dam

R12-15-1213. Completion Documents for a Significant or High Hazard Potential Dam

R12-15-1219. Safety Inspection; Fees

**R12-15-1208. Application to Construct, Reconstruct, Repair, Enlarge, or Alter a High or Significant Hazard Potential Dam**

**A.** An application package to construct, reconstruct, repair, enlarge, or alter a high or significant hazard potential dam shall include the following prepared by or under the supervision of an engineer as defined in R12-15-1202(11).

1. No change.
2. No change.
3. An initial application fee based on the total estimated project cost and computed in accordance with A.R.S. § 45-1204 and ~~R12-15-151(B)(11)~~ R12-15-104(A)(7).
4. No change.
5. No change.

**DRAFT**

**2-26-10**

6. No change.
7. No change.
8. No change.
9. No change.
10. No change.

**B.** No change.

**R12-15-1210. Application to Construct, Reconstruct, Repair, Enlarge, Alter,  
Breach, or Remove a Low Hazard Potential Dam**

**A.** An application package to construct, reconstruct, repair, enlarge, or alter a low hazard potential dam shall include the following prepared by or under the supervision of an engineer as defined in R12-15-1202(11).

1. No change.
2. An initial application fee based on the total estimated project cost, computed in accordance with A.R.S. § 45-1204 and ~~R12-15-151(B)(11)~~ R12-15-104(A)(7).
3. No change.
4. No change.
5. No change.
6. No change.
7. No change.
8. No change.
9. No change.
10. No change.

**DRAFT**

**2-26-10**

11. No change.

**B.** An application package for the breach or removal of a low hazard potential dam shall include the following.

1. No change.

2. An initial application fee based on the total estimated project cost and computed in accordance with A.R.S. § 45-1204 and ~~R12-15-151(B)(11)~~ R12-15-104(A)(7).

3. No change.

4. No change.

**C.** No change.

**D.** No change.

**E.** No change.

**F.** No change.

**G.** Within 90 days after completing construction, reconstruction, repair, enlargement, or alteration of a low hazard potential dam, the owner shall file the following.

1. No change.

2. An additional fee or refund request computed in accordance with A.R.S. § 45-1209 and ~~R12-15-151(B)(11)~~ R12-15-104(A)(7), based on the actual cost of construction, reconstruction, repair, enlargement, or alteration.

3. No change.

4. No change.

**H.** No change.

**DRAFT**

**2-26-10**

**I.** Within 90 days after completing removal of a low hazard potential dam, the owner shall file the following. The Director shall remove the dam from jurisdiction upon approval of the submittal.

1. No change.
2. An additional fee or refund request computed in accordance with A.R.S. § 45-1209 and ~~R12-15-151(B)(11)~~ R12-15-104(A)(7) based on the actual cost of removal.
3. No change.
4. No change.

**J.** No change.

**R12-15-1211. Application to Construct, Reconstruct, Repair, Enlarge, Alter, Breach, or Remove a Very Low Hazard Potential Dam**

**A.** An application package to construct, reconstruct, repair, enlarge, or alter a very low hazard potential dam shall include the following prepared by an engineer or a person under the supervision of an engineer as defined in R12-15-1202(11).

1. No change.
2. No change.
3. No change.
4. An initial application fee based on the total estimated project cost and computed in accordance with A.R.S. § 45-1204 and ~~R12-15-151(B)(11)~~ R12-15-104(A)(7).
5. No change.
6. No change.

**DRAFT**

**2-26-10**

7. No change.

8. No change.

9. No change.

**B.** No change.

**C.** No change.

**D.** No change.

**E.** No change.

**F.** No change.

**G.** Within 90 days after completion of the construction, reconstruction, repair, enlargement, or alteration of a very low hazard potential dam, the owner shall file the following:

1. No change.

2. An additional fee or refund request computed in accordance with A.R.S. § 45-1209 and ~~R12-15-151(B)(11)~~ R12-15-104(A)(7) based on the actual cost of construction, reconstruction, repair, enlargement, or alteration.

3. No change.

4. No change.

**H.** No change.

**I.** No change.

**J.** No change.

**K.** No change.



**R12-15-1213. Completion Documents for a Significant or High Hazard Potential**

**Dam**

Within 90 days after completion of the construction or removal work for a significant or high hazard potential dam and final inspection by the Department, the owner shall file the following.

1. No change.
2. An additional fee or refund request based on the actual cost of the construction, computed in accordance with A.R.S. § 45-1209 and ~~R12-15-151(B)(11)~~ R12-15-104(A)(7).
3. No change.
4. No change.
5. No change.
6. No change.
7. No change.
8. No change.

**R12-15-1219. Safety Inspections; Fees**

- A.** Except as provided in subsection (E), the Director shall conduct a dam safety inspection annually or more frequently for each high hazard potential dam, triennially for each significant hazard potential dam, and once every 5 years for each low and very low hazard potential dam. An owner of a dam shall pay the inspection fee required by R12-15-106 for each inspection of the dam pursuant to this subsection.
- B.** No change.

**DRAFT**

**2-26-10**

**C.** No change.

**D.** No change.

**E.** Inspections by the Owner

1. An owner may provide to the Director, at the owner's expense, a safety inspection report that complies with the requirements of subsections (B), (C), and (D) in place of an inspection by the Department. The owner's engineer shall notify the Director and submit a written summary of the engineer's qualifications at least 14 days before the scheduled safety inspection.
2. The Director may refuse to accept an inspection that does not conform to this Article.
3. A safety inspection report submitted pursuant to this subsection shall include the fee required by R12-15-106(C).

**F.** No change.